IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6196 OF 2005
IN
CRIMINAL APPEAL NO. 875 OF 2005

A.V. Prabhudesai ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. Girish Kulkarni, Advocate for Applicant

Ms. S.V. Gajare, A.P.P. for State.

Mr. Ezaz Khan, Advocate for Respondent No.2.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 18TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned counsel for C.B.I.

2. The applicant is seeking bail. The applicant has been convicted under Section 120-B r.w. Section 420 and 409 of I.P.C. and under section 13(2) r.w. 13(1) (d) of Prevention of Corruption Act and. The maximum sentence imposed on the applicant is one year.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the

trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is one year and this appeal is not likely to be heard within the said time.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. The applicant A.V. Prabhudesai to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. During the pendency of this appeal, the applicant shall report on first Monday of every month to the Office of C.B.I. at Tanna House, Mumbai.

6. Application is disposed of.

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